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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,788	08/28/2003	Loren Duvekot	021238-592	5590

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EXAMINER

FLORES RUIZ, DELMA R

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,788

Applicant(s)

DUVEKOT ET AL.

Examiner

Delma R. Flores Ruiz

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 - 14, 21 - 25, 31 - 33 is/are rejected.
- 7) ☒ Claim(s) 26 - 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

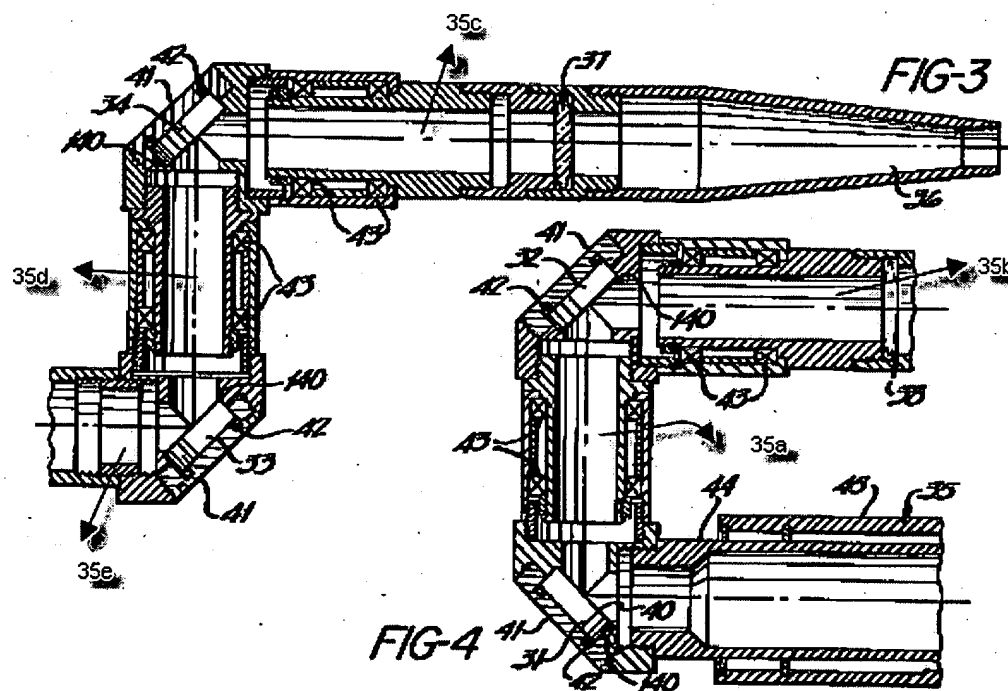
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 - 14, 21 – 25, 31 – 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Vassiliadis (4,473,074).

Regarding claim 33, Vassiliadis in Figures 2 – 4 and 7, discloses a laser beam containment system, comprising: a plurality of optics (31 – 34) that direct a laser beam produced by a laser beam source along a path to a point of application of said laser beam, one or more hollow tubes (see Fig. 2 – 4, Character 35) that are positioned in an arrangement wherein said laser beam passes through said hollow tubes (35), at least one of said hollow tubes (35) being adjustably positioned relative to at least one of said optics (31 – 34) to allow for access to said at least one optic (31 – 34) for at least one of maintenance and adjustment (Abstract) of said optic (31 – 34, Column 2, Lines 24 –

29), said at least one hollow tube (35) comprising at least a first portion and a second portion adjustably positioned relative to said first portion (Abstract, Column 3, Lines 35 – 56), said first portion also being adjustably positioned relative to a first one of said optics (31 – 34), and said second portion being adjustably positioned (Abstract, Column 3, Lines 35 – 56) relative to a second one of said optics (31-34), and a locking device (see Fig. 7, Character ⁵⁶~~54~~) adapted to prevent movement of said first portion relative to said second portion, wherein movement of said first portion relative to said first optic and movement of said second portion relative to said second optic is also prevented (see Figs. 2 – 4 and 7) .



Regarding claim 11, Vassiliadis in Figures 2 – 4 and 7, discloses first portion (35a, see the drawing examiner attach in the action) comprises a bar (41) with a

passage therethrough of said laser beam, and a first end of said second portion (35b) fits telescopically over a first end of said first portion (35a), a second end of said first portion being pivotally (41) mounted to a housing for said first optic (31) and an end of said second portion (35a) opposite from said first end being detachably connected to a housing for said second optic (32).

Regarding claim 12, Vassiliadis in Figures 1 – 4 and 7, discloses bar (41) further includes a transverse passageway adapted to position an alignment device in the path of said laser beam (Abstract).

Regarding claim 13, Vassiliadis in Figures 1 – 4 and 7, discloses a first portion (35a) further includes a first sleeve (42, the reference call “O-ring”) adapted to be moved from a position covering said traverse passageway to a position wherein said transverse passageway is accessible (Figures 1 – 4 and 7).

Regarding claim 14, Vassiliadis in Figures 1 – 4 and 7, discloses a locking device (41, the reference call “retaining member”) comprises a second sleeve (42) positionable over said first portion (35a) to prevent movement of said first sleeve from said positions covering said transverse passageway.

Regarding claim 21, Vassiliadis in Figures 2 – 4 and 7, discloses a laser beam containment system, comprising a laser- conducting structure (see Fig. 1 – 2, Character 15) for conducting a laser beam along a path from a laser beam source to a point of application of said laser beam, wherein the entire laser beam is encapsulated within said laser conducting structure along said path from said laser beam source to said point of application (see Figs. 1 – 4 and 7), said laser-conducting structure including at least two optics (31 – 34) for directing said laser beam, and a tube arrangement (35) interconnecting said at least two optics (31 – 34), said tube (35) arrangement being movable out of said path for allowing access to at least one of said at least two optics (31 – 34) without disturbing the distance relationship between said at least two optics (see Figs. 1 – 4 and 7, Column 1, Lines 65 – 67 and Column 3, Lines 37 – 55).

Regarding claim 22, Vassiliadis in Figures 2 – 4 and 7, discloses a tube (35) arrangement includes first and second telescoping tube portions (35), wherein telescoping movement between said first and second tube portions (Column 1, Lines 65 – 67, Column 2, Lines 24 – 29, Column 4, Lines 50 – 62) shortens an effective length of said tube arrangement to facilitate movement of said tube arrangement out of said path (Figs. 1 – 7, Abstract, Column 1, Lines 65 – 67, Column 2, Lines 24 – 29).

Regarding claim 23, Vassiliadis in Figures 2 – 4 and 7, discloses an unlockable retainer lockable (41) in a retaining portion for preventing said telescoping movement.

Regarding claim 24, Vassiliadis in Figures 2 – 4 and 7, discloses a padlock (140, the reference call shoulder, Column 3, Lines 36 – 55) for locking said retainer in said retaining portion (41).

Regarding claim 25, Vassiliadis in Figures 2 – 4 and 7, discloses a retainer (41) is positionable around the outside of one of said first (35a) and second tube (35b) portions and adjacent the other of said first (35a) and second tube (35b) portion for blocking said telescoping movement; and further comprising a separate padlock (140) for holding said retainer (41) in such movement-blocking portion.

Regarding claims 31 and 32, Vassiliadis in Figures 2 – 4 and 7, discloses a separate lock (41) for preventing movement of said tubular (35) arrangement out of said path and lock comprises a padlock (140).

Allowable Subject Matter

Claims 26 - 28 – 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 11 – 14, 21 – 33 are have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

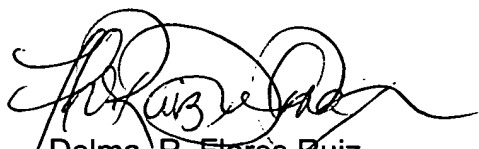
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delma R. Flores Ruiz whose telephone number is (571) 272-1940. The examiner can normally be reached on M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Sun Harvey can be reached on (571) -272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Delma R. Flores-Ruiz
Examiner
Art Unit 2828
DRFR/MH
August 18, 2006



Min Sun Harvey
Supervisor Patent Examiner
Art Unit 2828